



New Jersey Department of Children and Families Policy Manual

Manual:	CP&P	Child Protection & Permanency	Effective
Volume:	II	Intake, Investigation and Response	Date:
Chapter:	A	Screening	4-13-2017
Subchapter:	2	CPS	
Issuance:	250	Determination of Caregiver	

Purpose:

Pursuant to N.J.S.A. 9:6-8.21(a), a perpetrator of child abuse or neglect must be a caregiver of the abused or neglected child. This issuance establishes policy pertaining to the determination that an alleged perpetrator of child abuse or neglect is a caregiver pursuant to the statute at N.J.S.A. 9:6-8.21.

Policy:

A) “Parents and Guardians” Presumed to be Caregivers

A child’s “parent or guardian” is presumed to be a caregiver. For purposes of this policy and the underlying statute, the term “parent or guardian” includes:

- Natural or Adoptive Parents
- Resource Family Parents
- Stepparents
- Any other person for whom there is a legal duty to care for the child at the time of the incident (i.e. persons assuming responsibility through a court order or other documented assumption of responsibility).

B) Persons Assuming Responsibility for a Child

Parent or guardian also includes anyone who has “assumed responsibility for the care, custody or control of a child.” N.J.S.A. 9:6-8.21(a). A person has

assumed responsibility where a reasonable observer would understand that he or she was responsible for ensuring the child's safety and well-being at the time of the incident(s). CP&P shall make the determination based on consideration of the formal or informal arrangements made for the care of the child, the duration and frequency of the caretaking arrangement, the routine or irregular nature of the arrangement, and the age and maturity of the child. (See Procedure 1 below for specific considerations).

C) Minors as Caregivers

Minors shall be considered caregivers to their own children, and may be considered caregivers to other children if caring for that child at the time of an alleged act of abuse or neglect and of sufficient age and maturity to reasonably be expected to provide such care. A child of insufficient age or maturity to reasonably care for him or herself shall not be considered a caregiver to any child not his or her own.

Procedures:

1) Factors to be Considered in Determining Assumption of Responsibility for a Child

The following factors should be considered to make the determination that a person other than a presumed parent or guardian has assumed responsibility for a child. All factors should be considered, and no one factor should be relied on exclusively:

Arrangement: Responsibility may be assumed by explicit or understood arrangement. Consider whether the person expressly agreed to care for the child or implied agreement by their actions, and whether the person understood or should have understood that this was being agreed to. Consider specifically:

- Was there an explicit arrangement (either in writing or verbal exchange) that this person would care for the child?
- Did the parent have a reasonable expectation that that person would provide care?

- Did the person understand he/she had a responsibility?
- Was there a conversation between the parties?
- Was there a pattern of caretaking?
- Did the caregiver refuse the parent's request to provide care?

Timeframe: The duration of the care provided should also be considered. A person who momentarily watches a child on an isolated occasion is unlikely to have assumed responsibility, but a person who does so routinely or for a long duration is more likely to have done so. Consider specifically how long and how frequently the person is left in charge of the child.

Routine Caregiving: Persons who routinely take part in the provision of care are more likely to have assumed responsibility than those who do not. Consider specifically whether the person assists in any typical responsibilities of child care for this child: feeding, changing, dressing, transportation, etc.

Age/maturity of child: The age and maturity of an alleged victim should also be considered. Persons exercising control over a very young child, or a child who views them as a caregiver, are more likely to have assumed responsibility for that child. Consider specifically:

- What is the age of the alleged child victim?
- Is he/she old enough or mature enough to care for himself such that the alleged perpetrator is not providing care?
- What is the age difference between the alleged child victim and caregiver?
- Does the child view the person as an authority figure?